

FILED

SEP 22 2021

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO.
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

V.

MATTHEW THILGES,

Defendant.

NO. S1-4:20-CR-00707 AGF SRW

SUPERSEDING INDICTMENT

COUNT I

The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term
 - (a) “minor” to mean any person under the age of eighteen years (18 U.S.C. § 2256(1));
 - (b) “sexually explicit conduct” to mean actual or simulated--
 - (i) sexual intercourse, including genital-genital, anal-genital, oral-genital, oral-anal, whether between persons of the same or opposite sex,
 - (ii) bestiality,
 - (iii) masturbation,
 - (iv) sadistic or masochistic abuse, or
 - (v) lascivious exhibition of the genitals, anus, or pubic area of any person (18 U.S.C. §2256(2)(A));

- (c) “computer” to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. §2256(6));
- (d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--
 - (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or
 - (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct. (18 U.S.C. §2256(8)).

2. The “Internet” was, and is, a computer communications network using interstate and foreign lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. Between on or about January 1, 2018 and October 21, 2020, in the Eastern District of Missouri, and elsewhere,

MATTHEW THILGES,

the Defendant, herein, did knowingly attempt to employ, use, persuade, induce, entice, and coerce a minor female, “J.” to engage in sexually explicit conduct, specifically, **Matthew Thilges** attempted to produce images of “J.” in a lascivious display of her genitals and/or anus, and said

sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: took photographs of “J.” partially undressed in an attempt to photograph her genitals and/or anus, and such depictions were produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., a cell phone, In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT II

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.
2. Between on or about January 1, 2019 and October 21, 2020, in the Eastern District of Missouri, and elsewhere,

MATTHEW THILGES,

the defendant herein, did knowingly receive videos and images of child pornography over the internet, a means or facility of interstate commerce, and these videos and images were visual depictions that involved the use of a minor engaging in sexually explicit conduct and such visual depictions were of a minor engaging in sexually explicit conduct, including but not limited to the following:

- 1) “OMEGLE_Vol.17.mkv” – a graphic video file depicting a minor prepubescent male child’s genitals being touched by a female;
- 2) “32C349AA8613D0FF1DC988A7C251E79D” – a graphic video file of a minor prepubescent female child performing oral sex;

- 3) "37WDW.jpg" – a graphic image file that depicts a minor prepubescent female in a three-picture collage where the minor female is depicted standing in front of the camera in a lascivious display of her genitals and with a penis in her mouth.

In violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT III

Beginning at a time unknown and continuing through or about October 21, 2020, within the Eastern District of Missouri,

MATTHEW THILGES,

the Defendant herein, knowingly possessed a firearm, to wit, a silencer, not identified by a serial number as required by chapter 53 of Title 26.

In violation of Title 26, United States Code, Section 5861(i).

FORFEITURE ALLEGATION

The Grand Jury further finds by probable cause that:

1. Pursuant to Title 18, United States Code, Sections 2253(a), upon conviction of an offense in violation of Title 18, United States Code, Sections 2251(a) and 2252A(a)(2) as set forth in Counts I and II of the Indictment, the Defendant shall forfeit to the United States of America the following: any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, 2252, 2252A, 2252B, or 2260, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110; any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and any property, real or personal, used or intended to be used to commit or to promote the

commission of such offense or any property traceable to such property.

2. Subject to forfeiture is a sum of money equal to the total value of any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from Defendant's offenses set forth in Counts I and II.

3. Pursuant to Title 26, United States Code, Section 5872 and Title 28, United States Code, Section 2461, upon conviction of an offense in violation of Title 26, United States Code, Section 5861(i) as set forth in Count III of the Indictment, the Defendant shall forfeit to the United States of America any firearm involved in such offense.

4. Specific property subject to forfeiture includes, but is not limited to, the following:

- a. Samsung smartphone model SM-S727VL, Android ID a27105f4168ca672;
- b. Acer desktop computer serial # DTB0ZAA00161604E6B3000;
- c. One silver firearm silencer;
- d. Springfield Armory XD-40 pistol, SN: XD487725;
- e. Smith and Wesson M&P 15-22 assault rifle, SN: JAL3958;
- f. Smith and Wesson M&P 15-22 assault rifle, SN: JAL7217;
- g. Smith and Wesson M&P 9 Shield EZ M2.0 pistol, SN: RHZ5487;
- g. Bushmaster Carbon 15 assault rifle, SN: CRB052097;
- h. Smith and Wesson M&P 15 assault rifle, SN: SU21850;
- i. Bushmaster XM15-E2S assault rifle, SN: BFIT032834;
- j. CXV Core 15 assault rifle, SN: GTOC011450;
- k. Bushmaster Carbon 15 assault rifle, SN: CBC038817;
- l. Bushmaster Carbon 15 assault rifle, SN: CBC037142;
- m. Tactical Vest with 3 loaded pistol mags and 4 loaded rifle mags;

- n. Two 100-round drum magazines; and
- o. Miscellaneous pistol magazines, assault rifle magazines and ammunition.

5. If any of the property described above, as a result of any act or omission of the defendant(s):

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided

without difficulty, the United States of America will be entitled to the forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL.

FOREPERSON

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